



THE HIGH ROAD

"Preserving public confidence in public servants."

No. 2002-4

Hawaii State Ethics Commission

November 2002



Everyday Ethics

Many news stories have been written about corrupt or unethical government officials. These stories are widely reported in the headlines. Fewer stories have been written about the many government officials and employees who uphold ethics every day. Here are a few recent examples from the Hawaii State Ethics Commission:

- A state agency learned that one of its employees may have used state facilities for a private business activity. To prevent this from happening again and to promote greater ethics awareness, a personnel officer for the agency requested ethics training for the agency's employees.
- A state official was offered an expensive gift from a vendor. The official contacted the Hawaii State Ethics Commission for advice. After discussing this matter with the Commission's staff, the official declined the gift.
- A member of a state board asked to meet with the Commission's staff to discuss a complicated business transaction involving the board member's private employer and another state agency. The board member wanted to make sure that his participation in the transaction did not run afoul of the ethics laws.



- A state legislator who was running for re-election called for advice about whether the content of a proposed campaign brochure would raise ethics concerns.
- An employee read an article in *The High Road* about private business activities at work. The employee wrote to the Commission to request additional information about this issue.



- An employee who was planning to leave state service in a few months to begin a new business venture requested advice from the Commission about the application of the post-employment laws.

- A recently appointed board member contacted the Commission to request assistance in correctly filling out the member's financial disclosure statement.



- A state administrator asked the Commission to review proposed administrative policies that were drafted in response to concerns about employee conflicts of interests and outside employment.
- An employee won a monetary award from an organization for work that may have been done in both an official and personal capacity. The employee called the Commission to ask whether the employee could accept the award.

These are some of the many individuals in State government who practice ethics every day. Their actions do not make headline news. But these people deserve our thanks because of their important contribution to ethics in government.



State E-Mail May Not Be Used For Private Business

The State Ethics Code prohibits the use of state e-mail by state legislators and employees for private business purposes, including the following:

- Using state e-mail to sell or promote goods or services for a private business purpose
- Using state e-mail to sell personal property
- Using state e-mail to sell fund raiser tickets

These restrictions are based on the "Fair Treatment" section of the State Ethics Code, Hawaii Revised Statutes §84-13. This law prohibits legislators and employees from using their state positions to give themselves or anyone else any unwarranted benefit. HRS §84-13(3) prohibits legislators and employees from using state time, equipment, or facilities for private business purposes. For example, state legislators and employees may not use state telephones, fax machines, or computers for private business purposes.

In addition to these restrictions, your state agency may have its own rules in place governing the use of state e-mail. Employees are advised to check with their agencies concerning any other restrictions that may apply.

Planning A Party During the Holidays?

Is your state office planning an employee party during the holidays? If so, keep in mind that state offices may not solicit private businesses for donations to employee parties. For example, state offices may not solicit businesses for door prizes – including gift certificates, merchandise, promotional items, or discount coupons – for employee parties.

The "Fair Treatment" section of the State Ethics Code, Hawaii Revised Statutes §84-13, prohibits a state employee from using the employee's official position to obtain an unwarranted benefit. Soliciting a private business for donations to an employee social function, such as an office party, is prohibited by §84-13. This type of solicitation amounts to the use of one's official position for an unwarranted personal benefit.



All lobbyist registrations with the Hawaii State Ethics Commission will expire in January, 2003. Currently registered lobbyists who plan to lobby during the 2003 Legislature must renew their registrations with the Commission by January 27, 2003.

Lobbyists who are planning to register for the first time with the Commission must file their registrations within 5 days of becoming a lobbyist.

A lobbyist must register with the Commission if he or she lobbies for **pay** or **other consideration** (whether by fee, retainer, salary, or other form of compensation) **AND** also meets either of the following two criteria:

- (1) Spends more than \$750 in any reporting period lobbying, or
- (2) Spends more than 5 hours in any month lobbying.

Registration forms can be obtained by contacting the Commission at (808) 587-0460. Registration forms also can be downloaded from the Commission's web site at www.hawaii.gov/ethics.

Lobbyists may register with the Commission in person or by mail. There is no registration fee. Registered lobbyists will receive a card from the Commission to certify their registration.

Willful failure to comply with the Lobbyists Law may result in an administrative fine of up to \$500 for each violation. For additional information about the registration and reporting requirements of the Lobbyists Law, Chapter 97, Hawaii Revised Statutes, visit our website or contact the Commission's office at 587-0460.

HAPPY THANKSGIVING!



The High Road is a publication of the
Hawaii State Ethics Commission.

Commissioners: Ronald R. Yoshida, Chair
Dawn Suyenaga, Vice Chair
Nadine Y. Ando
Eloise Lee
Carl Morton, M.D.

Executive Director: Daniel J. Mollway, Esq.

Address: P.O. Box 616
Honolulu, HI 96809

Telephone: 587-0460 Fax: 587-0470

E-mail: ethics@hawaiiethics.org
Internet URL: <http://www.hawaii.gov/ethics>